

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

ANDRIAN SHERMAN,)	CASE NO. C07-0778-MJP-MAT
)	
Plaintiff,)	
)	
v.)	ORDER DENYING MOTION FOR
)	APPOINTMENT OF COUNSEL
PATRICK BARNES, et al.,)	
)	
Defendants.)	
_____)	

Plaintiff is a Washington state prisoner proceeding *pro se* in this civil rights action pursuant to 42 U.S.C. § 1983. Plaintiff has filed a motion for appointment of counsel (Doc. #20) and also a motion for summary judgment. (Doc. #22). Having reviewed plaintiff's motion for appointment of counsel and the balance of the record, the Court does hereby find and ORDER:

(1) There is no right to have counsel appointed in cases brought under 42 U.S.C. § 1983. Although the Court, under 28 U.S.C. § 1915(e)(1), can request counsel to represent a party proceeding *in forma pauperis*, the Court may do so only in exceptional circumstances. *Wilborn v. Escalderon*, 789 F.2d 1328, 1331 (9th Cir. 1986); *Franklin v. Murphy*, 745 F.2d 1221, 1236 (9th Cir. 1984); *Aldabe v. Aldabe*, 616 F.2d 1089 (9th Cir. 1980). A finding of exceptional circumstances requires an evaluation of both the likelihood of success on the merits and the ability of the plaintiff to articulate his claims *pro se* in light of the complexity of the legal issues involved.

01 *Wilborn*, 789 F.2d at 1331.

02 Plaintiff has neither demonstrated a likelihood of success on the merits nor shown that, in
03 light of the complexity of the legal issues involved, he is unable to articulate his claims himself.
04 Accordingly, plaintiff has not demonstrated that this case involves exceptional circumstances that
05 warrant appointment of counsel, and his motion (Doc. #20) is DENIED.

06 (2) The certificate of service that accompanied plaintiff's motions reveals that plaintiff
07 mailed copies of the motions to the Spokane office of the Washington Attorney General. (Doc.
08 #25). However, defendants are represented by Ms. Heidi Holland, an Assistant Attorney General
09 with the Olympia office of the Washington Attorney General. Because plaintiff is *pro se*, the
10 Court directs the Clerk to mail to Ms. Holland a copy of plaintiff's summary judgment motion and
11 declaration (Doc. #22 & #23). Plaintiff is advised that in the future, he should mail pleadings to
12 Ms. Holland at the Attorney General's Office, P.O. Box 40116, Olympia, Washington 98504.

13 (3) Because plaintiff mailed his motion to the incorrect address, the Court *sua sponte*
14 grants defendants an extension of time to file a response to plaintiff's motion for summary
15 judgment. Defendants shall file a response no later than **October 22, 2007**. The Clerk shall renote
16 plaintiff's motion for summary judgment for consideration on **October 26, 2007**.

17 (4) The Clerk is directed to send copies of this Order to plaintiff, to counsel for
18 defendants, and to the Honorable Marsha J. Pechman.

19 DATED this 21st day of September, 2007.

20 
21 Mary Alice Theiler
22 United States Magistrate Judge